

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/047,817

Applicant: Brown

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THIRD DECLARATION UNDER 37 C.F.R. § 1.132 OF RICHARD A. BROWN

Sir:

I, Richard A. Brown, hereby declare the following:

1. I am currently the Director of Research and Development of Cosmetic Laboratories of America and have held this title for ten years. I have been employed with Cosmetic Laboratories of America for the past twenty years. I have over 35 years of experience in the area of personal care products, with extensive experience in research and development of skin care and hair care products, in particular.

2. I received a Bachelor's Degree in Chemistry in 1970 and a Master's Degree in Business Administration in 1977, both from the University of California at Los Angeles.

3. I am the named inventor in the present application. In some embodiments, the present invention relates to a pigmented cosmetic composition comprising a water-in-oil emulsion, in which the emulsion comprises (a) from about 30% to about 40% by weight of an oil phase; (b) from about 30% to about 50% by weight of an aqueous phase; (c) from about 5% to about 15% by weight of a pigment; (d) from about 3% to about 6% by weight of a cetyl dimethicone copolyol emulsifier; and (e) a separation inhibitor comprising a silicone

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elastomer, wherein the silicone elastomer comprises a dimethicone cross-polymer, and wherein said silicone elastomer is present in an amount of from about 0.1% to about 7% by weight of said composition, wherein the composition is stable for at least three months at about 50 °C. In another embodiment, the present invention relates to a particulate sunscreen composition comprising a water-in-oil emulsion, said emulsion comprising (a) from about 30% to about 40% by weight of an oil phase; (b) from about 30% to about 50% by weight of an aqueous phase; (c) from about 1% to about 35% by weight of a particulate sun screening agent; (d) from about 3% to about 6% by weight of a cetyl dimethicone copolyol emulsifier; and (e) a separation inhibitor comprising a silicone elastomer, wherein the silicone elastomer comprises a dimethicone cross-polymer, and wherein said silicone elastomer is present in an amount of from about 0.1% to about 7% by weight of said composition, wherein the composition is stable for at least three months at about 50 °C.

4. Additional inventive experiments were conducted in accordance with Example 1 of the present application. The experiments involved preparing and evaluating the stability of 3 water-in-oil emulsions (Samples E, F, and G). Samples E and F contained cetyl dimethicone copolyol in about 4% by weight, and Sample G contained cetyl dimethicone copolyol in about 6% by weight. In addition, the amounts of oil, water, pigment, elastomer, and other components listed in Example 1 varied among the samples. See Table A.

Table A

| Component | Range (wt %) | Table I (wt %) | Sample E (wt %) | Sample F (wt %) | Sample G (wt %) |
|----------------------------|--------------|----------------|-----------------|-----------------|-----------------|
| Oil Phase | 30-40 | 33.6 | 40.0 | 30.0 | 40.0 |
| Aqueous Phase | 30-50 | 49.5 | 40.6 | 46.1 | 30.1 |
| Pigments | 5-15 | 8.4 | 8.4 | 15.0 | 15.0 |
| Cetyl Dimethicone Copolyol | 3-6 | 4.0 | 4.0 | 4.0 | 6.0 |
| Elastomer | 0.1-7 | 1.3 | 4.0 | 2.0 | 2.0 |
| Other ^a | | 3.2 | 3.0 | 2.9 | 6.9 |

^a Other refers to all other components listed in Table I of the present application.

5. All three inventive samples were prepared and observed for stability at 50 °C. Each of Samples E, F, and G remained stable at 50 °C for at least 3 months after preparation.

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6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

3/18/06
DateRichard A. Brown
Richard A. Brown

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